

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

05-cr-0517 (LAK)

MANUEL SALAZAR-ESPINOSA,

Defendant.
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ORDER

LEWIS A. KAPLAN, *District Judge*.

On or about February 13, 2020, defendant moved for compassionate release. The government opposed the motion on March 28, 2020. The Court extended defendant's time to reply in support of his motion to and including June 15, 2020. When no reply was received, it denied the motion on June 18, 2020.

On June 19, 2020, the undersigned received an extensive reply from the defendant that appears to have been mailed from FCI Jessup on or about June 9 to June 11, 2020. It thus is apparent that defendant, notwithstanding the difficulties resulting from the COVID-19 pandemic and considering the "mailbox rule," technically complied with the deadline for filing his reply papers. The reply papers regrettably were delayed in reaching the undersigned by reason of the pandemic.

In the circumstances, the Court treats defendant's reply as an application for reconsideration of the order denying his motion, grants the motion for reconsideration, and has reconsidered the matter on a clean slate. Having done so, however, it reaches the same result as previously. Defendant's motion for compassionate release, also referred to as a motion for reduction of sentence (Dkt 178] is denied for the same reasons stated in the Court's original order dated June 18, 2020 (Dkt 184).

The Clerk shall mail copies of this order and of the June 18, 2020 memorandum and order to the defendant.

SO ORDERED.

Dated: June 24, 2020



Lewis A. Kaplan
United States District Judge